

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.22921 OF 2000

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DATED: 05-06-2007

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Between:

The Andhra Pradesh Electricity Board
(now known as APTRANSCO)
Corporation, represented by its
Superintending Engineer, APSEB,
Ananthapur.

.. Petitioner

and

The Chairman-cum-Presiding Officer,
Industrial Tribunal-cum-Labour Court,
Ananthapur and another.

.. Respondents

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ORDER:

— This writ petition is filed seeking a certiorari to quash the award, dated 15.02.2000, made in I.D.No.140 of 1996, passed by the Industrial Tribunal-cum-Labour Court, Anantapur.

— It appears, the second respondent-workman, while working as L.D.C. in the Divisional Office of the petitioner-Corporation at Goothi, Anantapur District, alleged to have committed misconduct of crediting a cheque, issued by L.I.C. authorities in favour of a deceased employee, to his bank account and thereby deceived the legal heirs of the said deceased employee. After conducting a detailed enquiry into the matter, he was removed from service. Aggrieved by the same, he raised an industrial dispute, vide I.D.No.140 of 1996, before the Labour Court, Anantapur. The Labour Court, while noticing the fact that the workman had credited the amount to his account, on the facts and circumstances of the case, came to the conclusion that the punishment of removal from service is disproportionate and not justified. Further, it had also taken into consideration the fact that the workman was acquitted by a competent Criminal Court in a criminal case registered for the same offence. Accordingly, the Labour Court directed the management to reinstate the workman into service with continuity of service, but without any backwages. Aggrieved by the same, the present writ petition is filed by the petitioner-management.

— While admitting the writ petition on 24.11.2000, this Court passed

an interim order granting stay of all further proceedings pursuant to the impugned award subject to compliance of Section 17-B of the Industrial Disputes Act (for short 'the Act'). Now, it is stated that during the pendency of the writ petition, the second respondent-workman had attained the age of superannuation with effect from 31.08.2003.

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Be that as it may, the Labour Court, while holding that the punishment of removal from service imposed on the workman is disproportionate to that of the misconduct alleged against him, gave cogent reasons for arriving at such conclusion. I am not inclined to interfere into such a reasoned award passed by the Labour Court. It is made clear that the amounts paid under Section 17-B of the Act shall not be recovered. However, in the peculiar facts and circumstances of the case, the workman is not entitled for backwages from the date of award till the date of his retirement.

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With the above modification, the writ petition is disposed of.
There shall be no order as to costs.

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C.V. RAMULU, J

5th June, 2007.
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